

PROCEEDINGS

of a

MILITARY COURT FOR THE
TRIAL OF WAR CRIMINALS

held at

LUNEBURG, GERMANY.

on

THURSDAY 27th SEPTEMBER, 1945.

upon the trial of

JOSEF KRAMER

and

14 Others.

TENTH DAY.

Transcript of the
Official shorthand notes.

(At 1000 hours the Court reassembles pursuant to adjournment, the same President, Members and Judge Advocate being present.)

MAJOR CRANFIELD: I wish to make an application in regard to a matter which was mentioned on the first day. Our application is that Colonel H.A. Smith be made an additional defending officer. Our appeal for an expert on international law to assist the defence has been answered by Col. Smith who is a professor of international law at London University.

He has now had an opportunity of conferring with the defending officers and perusing the papers and it is proposed that he returns to London to-day to consult relevant authorities and come back here in about a fortnight. Then, if our application succeeds, he will address an argument to the Court on behalf of all the accused. We think that at that time the defence will be in progress and we shall be able to interpolate an argument without any difficulty.

THE PRESIDENT: The position is this, that you wish to submit an application that Col. Smith be appointed a defending officer, return to London to consult various authorities, and that sort of thing, return here and address the Court on behalf of the defence?

MAJOR CRANFIELD: Yes.

THE JUDGE ADVOCATE: What do you say, Col. Backhouse?

COL. BACKHOUSE: Technically, I suppose, he must defend somebody, he will have to be defending officer on behalf of one or other of the accused. I do not think it is an application on which I shall say anything one way or the other. The only thing I want to make plain is that if Col. Smith is going to be a defending officer he should address the Court as a defending officer and not as Professor Smith, a professor on international law. He will simply be an ordinary defending officer. I do not think that he should have a build up beforehand. If Col. Smith is made a defending officer then Col. Smith will obviously have the right to address the Court at any time later as a defending officer.

MAJOR CRANFIELD: There is a difficulty about attaching him to an accused. The proposal is that the only function which he should carry out is to address the Court on particular points on international law. He then wants to withdraw. If he was attached to an accused it would be a little difficult for the original defending officer to carry on with the defence.

COL. BACKHOUSE: I do not mind if he acts on behalf of all the accused.

THE PRESIDENT: I see the point. The suggestion put forward is that he defends all the accused but must, of course, appear as a defending officer.

COL. BACKHOUSE: What I want to make clear is this. Whilst I have no objection to the accused being defended by as many counsel as they like I will not be a party, so far as the prosecution is concerned, to the suggestion that he should be put forward as an expert on international law who will explain what the law is to the Court. That is the function of the Judge Advocate. I have not the slightest objection to anybody acting as defending officer putting forward whatever views on the law he likes to which I will be in a position to reply, and it will be then for the Judge Advocate to advise the Court.

THE PRESIDENT: I am clear on that. He is not to be put forward as, what I may term, a super judge advocate on international law?

MAJOR CRANFIELD: He will just address an argument to the Court.

COL. BACCHIOUSE: He is either going to object to the charge or something or the other, or argue legal points at the end.

THE JUDGE ADVOCATE: I am not clear about all this. You originally started, I understood, by making some kind of objection to the charge. I think you applied under Rule of Procedure 32?

MAJOR CRANFIELD: Yes.

THE JUDGE ADVOCATE: Then we adjourned because you asked that you might have assistance on the law from an international expert. I am not quite clear upon what points Col. Smith is going to address us. Is it in support of an argument that the charge is not good in law, or some matter of that kind?

MAJOR CRANFIELD: The application originally was in two parts. The first part was an application to reserve the right of the defence to object to the charge on the ground that it discloses no offence, and now the trial proceeds without prejudice to that point. The second part of the application was an application by the defence for assistance under the normal terms. I am applying now under the second part of my original application, that to assist the defence Col. Smith be added as an extra defending officer when the time comes.

THE JUDGE ADVOCATE: I understand that in the normal way Col. Smith would be, as it were, instructing the defending officers so that they can put forward any argument on law that they wish to. What I do not understand is how Col. Smith can address the Court at large on matters of international law. I can understand you can take a point of law, saying that these proceedings are defective and then say as you are not fully conversant with international law you would like to have Colonel Smith at your disposal on that particular point. Then you may say: "We now place before the Court somebody who really can refer the Court to authority". That I can understand.

MAJOR CRANFIELD: I was going to explain that if this present application succeeds Colonel Smith will then be a Defending Officer. At a time to be arranged he will exercise the right which we have reserved, which has been granted, to object to the charges as disclosing no offence. He will address the Court on behalf of all the accused on that point. That is as I see it.

I will give notice now to the Court and to the Prosecution of the points which we propose to argue later. The first point is how far the nationality of the parties to a war crime is material. The second point is the conflict between domestic law and international law. The third point is the limitation of war crimes to members of the armed forces.

It will be appreciated that at this stage that is only an indication in general terms of the subject of the arguments. I would like to say that we feel extremely grateful to Colonel Smith and to the London University. The Defending Officers think that his assistance will be invaluable to the Defence and, as I think this is a case without precedent, invaluable to the interests of justice and law at large.

There is one other matter which I think I should mention now, and that is we originally applied for witnesses for the Defence. I am happy to say that we have received very considerable assistance in that respect from the Prosecution and the British military authorities. The situation at the moment is satisfactory to the Defending Officers, and the Defending Officers will be careful to watch the situation. If they require further help from the Court they will make a further application.

THE PRESIDENT: That last point is with reference really to your first application, when you told us you would inform us how the matter was going.

MAJOR CRANFIELD: Yes.

THE JUDGE ADVOCATE: Colonel Backhouse, do you consider that any application of the kind just now made to the Court is or is not in breach of Regulation 6?

COLONEL BACKHOUSE: As I understand it, it is not being put forward as an objection to the jurisdiction. I am afraid the points which Major Cranfield has put, are, as he says, at this stage, naturally vague. Of course, if there was going to be any suggestion that these people could not be tried because they were not in the Armed Forces that obviously would be a plea to the jurisdiction, but if, as I understand, it is going to be taken that the offences with which they are charged are not war crimes, that would not be a plea to general jurisdiction. They would simply be saying that this particular charge is a bad charge. I think they are quite entitled to argue that if they like, but they are not entitled to argue that these persons are not subject to the jurisdiction of the Court. Frankly I feel, until I have heard the argument and know upon what it is based, I cannot say whether it is an argument which can be put forward or not.

THE JUDGE ADVOCATE: It is quite obvious that these Regulations were made to prevent long wordy legal points as to whether the Court were rightly considering a charge as framed, but I am not altogether clear yet what your particular objection is going to be. The words of that Rule are: "The accused shall not be entitled to object to the President or any member of the Court or Judge Advocate or to offer any special plea to the jurisdiction of the Court".

MAJOR CRANFIELD: That Regulation has been present in our minds throughout. The original application was to reserve our right to object to the charge on the ground that it discloses no offence. It is upon Rule of Procedure 32 that our argument will be based, showing that it is a bad charge.

THE PRESIDENT: That was your original application. You stated that the first part arose out of Rule of Procedure 32, that the charge does not disclose an offence.

MAJOR CRANFIELD: I think it is under that, and any argument which we will address to the Court will come from that. It is clear to us that we have no right to say that the Court cannot try these accused.

THE JUDGE ADVOCATE: On that point you will see that in the marginal note with regard to Rule of Procedure 32, it is set out: "Objection by the accused to the charge". In Rule of Procedure 34, another type of objection, there is the marginal note: "Special plea to the jurisdiction". The wording in Regulation 6 is the same as in the marginal note, that is to say, "Any special plea to the jurisdiction of the Court, so there seems to be some force in the argument which Major Cranfield puts forward and which, I gather, the Prosecution adopt, that he can attack the charge but cannot attack the jurisdiction of the Court to try war crimes.

THE PRESIDENT: What I propose to do now is to close the Court and then re-open it after this has been discussed by the Court.

(At 1020 the Court is closed).

(At 1035 hours the Court reopens).

(The accused are again brought before the Court).

THE PRESIDENT: Major Cranfield, the Court has considered this question and is prepared to hear Colonel Smith as a Defending Officer representing all the accused provided that the Defending Officers first obtain the sanction of the Convening Officer to this request.

MAJOR CRANFIELD: If you please, sir.

COL. BACKHOUSE: I now recall Glinowieski.

CAPTAIN CORDALLY: I wish to apply to have the numbers of the prisoners removed. You remember yesterday when this witness was giving evidence we had the numbers removed before he gave his evidence, as there was a question of identity.

THE PRESIDENT: I thought this witness had identified the accused.

THE JUDGE ADVOCATE: Yes, and if I am correct he did not identify No. 29.

THE PRESIDENT: Yes, that is correct.

THE JUDGE ADVOCATE: If the Defence wish that during the further examination perhaps he may do so.

THE PRESIDENT: Do you want any change in the order of sitting.

CAPTAIN CORDALLY: I should like 29 to be allowed to change with any other accused.

(The accused removed their numbers and accused No. 29 changed places with another accused).

ABRAHAM GLINOWIESKI is recalled on his former oath, and examination by COLONEL BACKHOUSE is continued as follows:

- Q I want you to turn your attention now to the next person you recognised whom you described as Hilde. (Accused No. 11 stands up). What can you tell us about her? A She was in Auschwitz as lagerkapo and she assisted in transporting people to the crematorium.
- Q What part did she take in assisting? A There were selections in the camp and the accused as helping to prevent people to escape or to hide.
- Q The next person you recognised was Grose. What can you tell the Court about her? A She was the camp leader in Camp C., and when the transports from Hungary arrived she was sending thousands and thousands of people ill and quite healthy to the gas chambers.
- Q Have you seen her on those parades yourself? A I saw her every day because I was working there.
- Q How did she treat the women internees? A She used to come for inspections to the respective blocks, and according to her whims she beat people if they seemed to be to her dislike, with a stick, and she wore also a pistol with her.
- Q What sort of stick did she carry? A Fairly thick.
- Q The next person you recognised was No. 48 whom you call Stania. What can you tell the Court about her? A She was the camp altester.
- Q Was that at Auschwitz or at Belsen? A It was in Berkenu.
- Q How did she treat the other internees? A I have not noticed anything special, but she also beat them in the knees and whenever they stopped on parades improperly she beat them.
- Q Whilst you were identifying the persons in the dock you mentioned a man called Erich? A Yes.
- Q What can you tell the Court about him? A He murdered ----

CAPTAIN CORBALLY: I submit that the Court ought not to hear this evidence concerning Erich. This witness has failed to identify him. We heard from Major Smallwood yesterday the procedure which was very often adopted in the preparation of these stories about individual cruelty. A witness said something and was given a set of photographs, and those photographs were only photographs of S.S. guards, or similar people. Therefore, in my submission, this evidence is worthless not only against Erich himself, but as it is a joint trial I am entitled to object to it on behalf of the other prisoners whom I represent, and the other Defending Officers too would be entitled to object to it on those grounds. If the witness cannot identify the man he is referring to the evidence is clearly worthless, and it would only prejudice the whole mass of the prisoners before this Court.

COL. BACKHOUSE: There are three different grounds on which I say I am entitled to ask the question. I will take first the last one which has been mentioned. I say that I am entitled to call evidence of cruelties and ill-treatments which went on in both these camps, whether by these accused or not, so long as Kramer was the Kommandant of the camp and responsible for their behaviour. I am saying there is a group of people who, it is quite clear, as I said at the beginning are some of the group of people who set out to ill-treat and kill persons under their charge, and evidence against other members of the group becomes evidence against them. That is my case rightly or wrongly, and on that ground alone I would submit that even if it is quite impossible to say who Erich was, or even if we did not know his name, the fact that he was one of the guards under Kramer and was permitted to behave in a way which the witness may or may not say he behaved, that will be nevertheless admissible. I do not agree with my friend's description as to how these identifications were made. It is not true to say that the only photographs shown were photographs of the accused. As a matter of fact photographs of very senior officers in this Army Group were included, and occasionally recognised, and those witnesses were thrown out. The photographs were not confined to members of this camp or the persons in the dock. I say the evidence is plainly admissible. There is no reason whatsoever why it should be excluded on that ground. As a matter of fact it had not occurred to me before, but it has obviously occurred to the Defending Officers.

I propose to allow this witness to have a further opportunity of seeing whether he can identify the persons in the dock; having done it once we will see if he can do it again, and we will not waste the opportunity now available as the numbers are now removed.

CAPTAIN CORBALLY: If the accused cannot recognise the person about whom he made this Deposition, I am clearly entitled to object to that evidence being received against that accused himself, because it is absolutely worthless. For my part I am perfectly ready to accede to Colonel Backhouse's request to have a further identification if he wishes to have it; I have no objection to that whatever. With regard to the photographs, I must draw the attention of the Court to yesterday's evidence on page 6.

COL. BACKHOUSE: I only want to interrupt to say this. Major Smallwood did not take any affidavit from this man at all. He cannot speak to a system that took place afterwards. The system was changed.

CAPTAIN CORBALLY: Major Smallwood was asked by Captain Phillips: Was the set of photographs confined to either members of the S.S. or people employed by the S.S.

THE PRESIDENT: I think Major Smallwood was only giving the procedure which took place when he was taking the affidavits. He was not giving the procedure which took place when other people were taking affidavits. The affidavit of this present witness was not taken at all by Major Smallwood.

CAPTAIN CORBALLY: Major Smallwood gave evidence yesterday before the Court about the procedure which was adopted in all these affidavits.

COL. BACKHOUSE: I must object to that.

CAPTAIN CORBALLY: If the Prosecutor wished to raise that point, he should have done so.

COL. BACKHOUSE: I must object to that statement. Major Smallwood could not possibly give evidence of how the members of his War Crimes Investigation team conducted an investigation after Major Smallwood had left the camp some weeks. Major Smallwood was called by the Defence and he spoke as to how he behaved, and I have not the slightest objection to Major Smallwood's evidence being taken as true as to how his investigation team behaved. Major Smallwood cannot possibly say what happened after he had left the camp some time and my friend has no right to say that he did so.

CAPTAIN CORBALLY: The evidence of Major Smallwood is the only evidence we have of how the system of investigation worked. If the Prosecutor states now that a different system was put into operation after Major Smallwood left, he must prove that by bringing evidence in Court. At the moment we do not know. I think the Court is entitled to assume that the procedure outlined by Major Smallwood yesterday was the procedure throughout the investigation.

THE JUDGE ADVOCATE: Are not we really dealing with what procedure took place in the case of this witness?

CAPTAIN CORBALLY: Yes.

THE JUDGE ADVOCATE: Presumably he can tell us what he says happened. We have a witness who was actually taking part in this procedure and, for what it is worth, he can be asked what was done, and that will be some cogent evidence of somebody who was there and took part in it.

CAPTAIN CORBALLY: Yes.

THE JUDGE ADVOCATE: I will tell you this, that I would be prepared to advise the Court that if this witness does not identify the accused whom you represent, then I shall tell the Court in my summing-up exactly what you are saying now, but I am bound to tell the Court that in my view it is allowed to be heard in evidence on the grounds that the Prosecutor has put forward. So far as you are concerned, unless he is identified I agree you are entitled to say there is no evidence against the man you represent.

CAPTAIN CORBALLY: I would go further than that and I would say there is no evidence that it happened at all, that anybody did this particular act of cruelty.

THE JUDGE ADVOCATE: We have not heard what he is going to say yet.

COL. BACKHOUSE: I would like to make it clear that up to now even supposing the man says what we all think he is going to say I have made, up to now, no attempt to connect the offence with any particular person, because up to now he has not recognised anybody. I do not even know whether anybody in the dock is called Erich or not. I do not know how many thousands of people there were, but there must have been thousands of Erichs, and if the evidence is simply left that a man called Erich did something quite obviously the court would not be entitled to presume that because there happened to be a man in the camp called Erich that it is the man in the dock. I have never suggested that. Up to now there has been no question of how statements have been taken or how people have recognised anybody, or anything else. I am simply saying that this witness during the course of his identification yesterday mentioned a man called Erich and I want to know what he can tell us about him.

THE JUDGE ADVOCATE: I do not know whether Capt. Phillips wants to come into this discussion before you finally decide.

CAPT. PHILLIPS: Yes, I would like to just join in for a moment. The point I want to make is this. The prosecutor has said that he would go so far

as to say that evidence of this type is admissible, even if it does not relate to one of the accused, on the grounds that his case is that any one of these accused is to be held responsible for all the atrocities which are alleged to have been committed say at Belsen, provided only that they were at Belsen. Now obviously in our submission on the face of it that evidence would ordinarily - I say ordinarily - be inadmissible as irrelevant, and it is only let in by the special provision under the regulations which apply to this trial where there is evidence and so on which we discussed earlier in the case of concerted action, but in my submission, before the prosecutor can justify the inclusion of this evidence he has got to satisfy the court that in the case of every one of these accused - not merely four or five of them but every one - there is at the moment sufficient evidence of concerted action to justify the admission of the evidence. Certain of the accused, some of the ones I represent for example, were only in Belsen for a very short period, therefore I submit that unless this evidence relates or is shown to relate to a specific accused it is inadmissible on the grounds of irrelevancy.

THE JUDGE ADVOCATE: Capt. Phillips, the way I see it is this. I do not imagine for a moment that the court will convict any of the accused merely because they happened to be at Belsen during the period charged. What I think the prosecutor is going to say is: If I establish that this camp was in effect itself a war crime in the way it was run, and I then show one of the accused had an official position and was taking an active part in what was going on then the court will consider that. But I do not quite see the relevancy of your remarks on this particular point, because the prosecutor is saying: "I want you to give a picture of the camp"; at any rate it would be relevant against Krasner, the commandant.

CAPT. PHILLIPS: Yes, that may be so, but how can it be relevant against one of the accused who saw far is not shown to have been in the camp.

THE JUDGE ADVOCATE: You mean ---- ?

CAPT. PHILLIPS: I mean my own accused against whom up to the moment at least nothing specific has been said.

THE JUDGE ADVOCATE: It will not be evidence against them unless the witness implicates them in some way.

CAPT. PHILLIPS: I suggest the whole thing is entirely irrelevant unless it can be shown to relate directly or indirectly to a specific accused.

(The court confer)

THE PRESIDENT: The court has considered that objection and overrule it. The

prosecutor may continue with his examination.

COL. BACKHOUSE: (To the witness) Will you tell us now what exactly you do know about Erich? A. The accused was Lagerältester in Belsen.

Q. How did he behave towards the internees? A. His behaviour was very bad, and I remember one incident when a friend of mine was queuing up for soup, and because of the big crowd of people the soup was poured out; the accused approached him and beat him terribly.

Q. With what did he beat him? A. He started beating him with his hands. Then he used a stick and when the victim fell down he kicked him three times.

Q. What part of his body did he kick? A. He kicked him between his legs.

Q. What was the result? A. When Erich went away myself and a friend of mine we took the victim and brought him into the hospital.

Q. What happened to him when he got to hospital? A. He was in the hospital for two or three weeks - I cannot remember exactly how long - and two or three days before the liberation of the camp by the British troops he died.

Q. I want you to come down here into the court again and look at the persons in the dock. Take your time, go quite slowly and see whether or not you can recognise Erich.

MAJOR CRANFIELD: I wish to object to that. The prosecuting officer has already asked the witness to do this and, in my submission, he cannot ask him again. This amounts to cross-examining his own witness; he has had his answer and he must be satisfied with it. He cannot now ask him to do the same thing again in the hope that he will get a different answer.

COL. BACKHOUSE: There appears to be a new development this morning. Yesterday I asked the witness generally to look round the dock and see if he knew anybody. During the course of that he mentioned the fact that he recognised a number of people and he did not recognise a person called Erich. This morning apparently Erich has received some sort of identification from some of the defending officers. I want him to try again and see if he can find Erich.

THE JUDGE ADVOCATE: My reaction is that the proper time to identify Erich as somebody he knew was yesterday. One does not know what may happen overnight, and I think the prosecution are merely repeating what they did yesterday. It was a very fair and proper identification. I see no reason why the court should have another identification.

(The Court confer)

THE PRESIDENT: Col. Backhouse, the court will not have the witness brought down again.

COL. BACKHOUSE: I do not object in the least. I want to make it clear that it was not my idea.

Cross-examined by MAJOR WINWOOD.

Q. You told us yesterday afternoon about an incident in October or November 1943 when you received 25 strokes from Kramer at Auschwitz? A. Yes.

Q. Is that true in substance and in detail? A. Everything is true. Kramer knows me very well. He caught me near the middle camp road. I remember also that I was beaten in the women's compound, and Kramer chased me out of the women's compound into my own compound. I had to run all the time very quickly, and an S.S. man was chasing me on a bicycle. I could hardly breathe.

- Q. I am still referring to the incident you mentioned yesterday. Is it still not true that we still have to wait a matter of five months before Kramer ever came to Auschwitz? A. No, it is not true.
- Q. I put it to you that the only place where this incident happened was in your own imagination, nowhere else. A. It is not my fantasy. I have my number from Auschwitz if it is not true; I can enumerate all the S.S. men in Auschwitz with me.
- Q. Do you remember making a statement to a British officer at Bolton on the 7th June this year? A. Yes, I do.
- Q. Were you asked if you knew anything of your own knowledge against Kramer? A. No, nobody asked me about Kramer at that time, because I have not seen Kramer in the photographs presented to me.
- Q. Why did you not mention at that time this very painful incident and the punishment you received at the hands of the camp commandant in Auschwitz? A. Because only photographs of the S.S. men were shown to me and I was asked to say whether I could accuse any of them.
- Q. Do you remember making a statement about the punishment and the eventual death of your brother? A. Yes, I do.
- Q. May I read it to you: "Weingartner found in my brother's pocket one sausage, belonging to the S.S. stores, five roubles in gold, a ring and 200 cigarettes. Weingartner took all this away and made a report to the camp commandant, Kramer, who gave orders that my brother should be taken to the straffkommando." A. Yes.
- Q. Did you, when you made this statement, mention Kramer's name? A. No, I had not mentioned the name Kramer. I used the term "camp commandant."
- Q. Was Kramer at Auschwitz at the time? A. Yes, he was.
- Q. When did this incident happen? A. I do not know whether it was in 1943, or 1944, and therefore I cannot give the exact date.
- Q. May I read to you the sentence before the first one I quoted, which you made in June, some months ago, on oath: "In the autumn of 1943 I worked with my brother in the carpenters shop at Auschwitz. At that time we were engaged on work in the women's camp and were marched there every morning. **"As this order"** - that is the order to go to the straffkommando - "had to pass through various channels before it became effective, my brother was put to work with us until such time as it reached the proper authority. About three days later Weingartner searched my brother again and found on him a ring and five roubles in gold which had been given to him by a girl to buy food for her." Is it true that there were two occasions on which your brother was discovered with these forbidden articles on him? A. Yes.
- Q. Why did you not mention it yesterday? A. When I left the court I recollected that I omitted to say it.
- Q. Did you see Weingartner beat your brother? A. No.
- Q. How do you know it was Weingartner? A. Because I saw Weingartner entering the room to get my brother.
- Q. Was there anybody else in the room? A. It was a woman, the block altester, but Weingartner ordered her to leave the room.
- Q. Did you look into the room? A. No.

- Q. How far is it from the women's compound to the block where your brother lived? A. About 500 metres.
- Q. You told us yesterday that your brother was able to walk with help back to his block immediately after the incident. A. He was not able to walk.

MAJOR MUNRO: No questions.

Cross-examined by MAJOR GRANTFIELD.

- Q. I want to ask you about what you call selection parades. Have you been on one yourself? A. I was present at each of them.
- Q. Were these parades always formed up the same way? A. Yes, and they were held in the same block.
- Q. Were the prisoners formed up in ranks? A. Yes.
- Q. Was it five ranks? A. Yes.
- Q. Were the prisoners got on the parade by the altosters and the kapos? A. No, there were S.S. men and the camp kapo, a thin woman.
- Q. Is it correct that all of them, S.S. personnel, kapos, blockaltosters, block leaders, all assisted in getting the prisoners formed up on parade? A. I have not noticed any kapos present at these parades, because kapos were always employed at kommandos.
- Q. Very well. Apart from kapos do you agree? A. Only S.S. and lagerkapos were present.
- Q. How when you were being told to get on parade, to form up in five ranks, were you told what the parade was for, whether it was a roll call, or just a working party, or a gas chamber selection, or what it was? A. We have not been told anything. We are working and then we receive the order and all the women have to line up in the block.
- Q. Is it your story that it was after the parade was over that you heard that people selected on it had been sent to the gas chamber? A. It was quite evident, because at night the trucks came in and the women were loaded naked, and they shouted and cried.
- Q. It was quite evident after the parade, but you did not know beforehand, is that right? A. Yes, we all knew what was the purpose of the parade. The camp doctor arrived and that was the best proof to us.

CAPT. ROBERTS: No questions.

CAPT. FIELDEN: Neither Capt. Brown nor I have any questions.

Cross-examined by CAPT. CORBALLY.

- Q. I am going to ask you about the incident which you have told the court concerning Erich. How far were you standing from your friend when this incident happened? A. We were standing nearby, in one line.
- Q. Am I right in saying that there was a sort of queue for the soup at that time? A. Yes.
- Q. And were people trying to get to the soup as soon as possible, namely, in front of other people?

- A. Yes, everybody tried to get the soup as quickly as possible because we all were very hungry.
- Q. And do you say that Erich started hitting your friend in the middle of the queue, or did he take him out of the queue? A. He took him out of the queue.
- Q. Did the queue then continue to press forward to get their soup?
- A. Of course, everybody was for himself, because a man had no importance and significance, and everybody was trying to get the soup.
- Q. And did you press forward to get your soup? A. Yes, of course, because I was hungry the whole day.
- Q. Were you able to see Erich beating your friend? A. I was standing opposite, about five yards from him; he took him to the wall.
- Q. You have said that Erich beat your friend with a stick. Are you sure that he had a stick? A. Yes, I saw myself that he brought the stick from his room.
- Q. Do I understand that Erich went back to his room to get the stick before beating your friend?
- A. He started beating him with his fist, but later on he went to the direction of his room and gave an order to a person inside to bring the stick outside.
- Q. Did you yourself see the stick? A. Of course.
- Q. Will you describe the stick? A. Thick as an arm.
- Q. What was it made of? A. An ordinary stick.
- Q. I did not ask whether it was an ordinary stick. I said: "What was it made of?" Was it made of wood or leather or rubber? What was it made of?
- A. A wooden stick.
- Q. How long was it?
- A. More than one metre.

- Q Do you remember making a statement to a British officer about this incident? A. I do.
- Q Did you or did you not in that statement say that Erich had used a stick? A. Yes, I mentioned a stick.
- Q Are you sure of that? A. I am sure of that.
- Q I will read you a part of that statement: "About the 10th April I saw this man" - - - -
- COL. BACKHOUSE: That is not what the statement said. If my friend wants to cross-examine on this statement, he must put the statement in full to him.
- CAPT. CORBALLY: "I saw Zoddel beat a friend of mine named Tessle, during the distribution of food in the camp. Tessle pushed forward through the group of waiting people to try and get his food quicker from the Capo who was distributing it. Zoddel beat Tessle with his fists on the head and chest and then kicked him with his jack boots". Do you still say that in your statement to this British officer you mentioned that Zoddel or Erich used a stick? A. Yes, I said so.
- Q Was this statement read over to you in a language which you can understand? A. Yes, it was read over to me, but I did not notice at that time whether the word "stick" was in my statement. It was read over to me in Yiddish by a special interpreter.
- Q You told the court that your friend Tessle died? A. Yes.
- Q How long was he in hospital before he died? A. About three weeks. I cannot say if it was a little shorter or longer, but about three weeks.
- Q Would you agree that it was not in any case less than fourteen days? A. I am sure it was not less than fourteen days.
- Q Can you remember the day on which this beating took place? A. I do not remember the day, but I can say it was less than one month before the liberation of the camp.
- Q Do you remember saying in your statement to this British officer that this incident took place about the 10th April? A. I could not say the exact date at that time.
- Q When this statement was read over to you in Yiddish, were the dates which have been written down here repeated to you in Yiddish? A. I do not remember. In the meantime I was suffering from typhus.
- Q Do you mean that you have suffered from typhus since you made this statement? A. Yes, after the statement was made I developed typhus.
- Q Do you find as a result of typhus that it is difficult to remember things? A. No, not now. I do not think that my memory was affected by the fact that I was suffering from typhus.
- Q Are you then saying that your having typhus has caused you to find difficulty in remembering what you said in this statement? A. I remember everything, but I cannot recollect the details.
- Q Do you mean by that the details of the incidents which have happened in the camp about which you have told us in court to-day? A. I remember very well everything concerning the incident, but some details connected with the statement I made are vague to me now.

Q When you made this statement were the incidents which you related then fresh in your mind so that you could remember them at that time ?

A. Yes; at that time I remembered everything very well.

Q You made this statement on the 7th June, and on the 7th June you said that the incident concerning your friend Tessle occurred on the 10th April; do you agree that that is the correct date of that incident ?

THE JUDGE ADVOCATE: About the 10th April, was not it ?

CAPT. CORBALLY: Yes, about the 10th April. A. I cannot remember now.

Q Do you mean you cannot remember when the incident happened ? A. I said already that it was about four weeks before the liberation.

Q Did you know this man Erich well ? A. Yes, very well.

Q I put it to you that the man Erich did not beat your friend ? A. It is impossible; he did it. In my own eyes I saw it myself. He did not only beat him but hundreds of other prisoners.

Q Did you see him beat hundreds of others with your own eyes ? A. Yes, I saw him doing it, but I do not know whether as a result of this they died.

Q Will you tell the court what exactly happened when you made a complaint against the guards and lageraltesters in the camp, that is after the British liberated the camp ? A. I have not made any complaints against the block leaders.

Q Tell the court how the procedure was carried out when you made those statements about these incidents ? A. It was an old statement made through the interposition of a Yiddish interpreter.

Q Were you first given a set of photographs and asked if you had anything to report against the people in those photographs ? A. Yes, before I made my statement the photographs were shown to me.

Q Were you also told that if you knew any cruelties which you could say that one of the people in those photographs had committed you were to tell the person taking the statement ? A. No, I have not been encouraged to make accusations concerning cruelties committed by these people. I made a statement concerning this incident and I was asked whether I was ready to swear to it.

Q Did you make your statement before you were shown the photographs or were you shown the photographs first and then made a statement ? A. At first the photographs were shown to me and then I made my statement.

Q Were there many other people in the hut in which you were living who also made statements ? A. Yes.

Q Did you know some time before you were asked to make your statement that you would have an opportunity of making a statement ? A. Yes, I did know that an opportunity would be granted to me.

Q And did you know the name of this man Erich before you had been shown his photograph ? A. Yes, of course all the time ^{when} I was in the camp it was under the German authorities.

Cross-examined by CAPTAIN NEAVE

Q What was your brother's name ? A. Heinrich Glinowieski.

CAPT. PHILLIPS: No cross-examination.

LT. BOYD: No questions.

CAPT. MUNRO: No questions.

Cross-examined by LT. JEDRZEJOWIECZ

- Q You told the court yesterday that your brother was organising some food for the women prisoners; is that so? A. Yes.
- Q What kind of food was he getting for them? A. He was one of tens of thousands that had the opportunity to get in contact with civilians working in the camp.
- Q Will you answer the question. What kind of food was your brother getting for the women prisoners? A. Bread and cigarettes, margarine and sausage.
- Q Was the bread, margarine, and sausage obtained from the camp or from outside? A. From outside the camp.
- Q How did your brother get it inside the camp? A. The civilians were entering the women's camp and in the camp and they were bringing these things with them.
- Q Was it never obtained from the cookhouse or the food store? A. No; it was impossible to obtain these articles in the camp because in charge of the cookhouses were S.S. men.

Re-examined by COLONEL BACKHOUSE

- Q It has been put to you that at the time when Kramer beat you he was not there. Whether you are right or wrong about the date, have you any doubt that it was Kramer who beat you? A. I am quite sure of that. I remember also that on this particular occasion he ordered me to take my Czechoslovakian shoes from my legs and I had to go back to my quarters barefooted.
- Q Again it has been put to you that at the time when your brother was beaten and died that Kramer was not the commandant. A. Who said so? My brother was beaten up after my beating took place.
- Q Again whatever the date may have been, who was the camp commandant when your brother was beaten up? A. Kramer.
- THE JUDGE ADVOCATE: When your friend was beaten by this man Erich, within a month of the liberation of the camp, what were the duties that Erich was performing? A. He was lageraltester, and he was sending prisoners in the morning for work with the work Kommandos.
- Q Can you be more precise as to what lageraltester he was? A. Lageraltester of the camp No.1.
- Q At Belsen? A. Yes.
- Q Was this Erich an S.S. man or not? A. To my knowledge he was not an S.S. man. I knew him as a murderer.
- Q You picked him out from a number of photographs, did not you? A. Yes.

(The witness withdraws)

MAJOR CRANFIELD: Before the next witness is called I should like Nos. 9 and 10 to be where they were yesterday. Number 9 changed with 33 and No. 10 with 43.

(The accused changed places)

HANKA ROZENWAYG is called in and having been duly sworn is examined by COL. BACKHOUSE as follows:-

THE JUDGE ADVOCATE: The witness will give evidence in Polish, and she says the oath she has taken is binding on her conscience.

COL. BACKHOUSE: What is your full name? A. Rozenwayg, Hanka.

Q Where did you live before the war? A. In Vochin Podlaski.

Q What is your nationality? A. A Polish Jewess.

Q How old are you? A. 25.

Q When were you arrested by the Germans? A. In 1943.

Q Where were you taken to? A. Maidan.

Q Did you later go from there to Auschwitz? A. From Maidan to Auschwitz.

Q When did you arrive at Auschwitz? A. In the summer of 1943 after several months in Maidan.

Q Did you remain in Auschwitz until you went to Belsen? A. Yes.

Q When did you go to Belsen? A. I do not remember the date, but it was about half a year before the British troops liberated the camp.

Q Will you come down here and see if you can recognise anyone in the dock? Before you start will take your time and start at this end where I am. (The witness does so) A. No. 1 is Kramer, the lager commandant from Auschwitz. No. 5 is Hoessler. The next is Borman, No. 6. No. 2 (Fritz Klein) I know was a doctor at Belsen. No. 11 (Hilde Lobauer) was the arbeitsdienst. No. 9 is Grese. I know No. 39 (Irene Haschke) from Belsen. No. 10 (Ise Lothe) I know. I know No. 46 (Helena Kopper) her name is Kopper, and I know Stania No. 48 (Stanislawa Staroska).

THE PRESIDENT: We will check that. No. 1 Kramer; No. 5 Hoessler; No. 6 Borman; No. 9 Grese; No. 46 Kopper; No. 48 Stania, she knew by name. No. 11 she knew as having held a position. No. 10 she said she knew. No. 39 she knew at Belsen, and No. 2 she said was a doctor at Belsen.

COL. BACKHOUSE: Yes, that is what I make it. (To the witness) Will you tell the court what you know about Kramer? A. Of Kramer I know that he was responsible for the whole of the camp.

Q What do you know of Hoessler? A. I know that sometimes Hoessler made selections.

Q What were those selections for? A. To send people to the gas chamber.

Q Have you seen him on such selections yourself? A. I was present at one of these selections.

Q What part did Hoessler take in the selection? A. He helped the doctor. If there was anybody he took a dislike to they were set aside, placed first in block No. 25 and later sent to the gas chamber.

- Q Have you seen any of the other persons whom you have recognised taking any part in the selections? A. I have seen Kramer and sometimes Stania at these selections.
- Q What part did Kramer take? A. He supervised; watched over the doctor to see that the selection was made according to his taste.
- Q What party did Stania take? A. Stania took down the particulars of those who were later sent to Block No. 25.
- Q The next person you recognised was Borman. What can you tell the court about Borman? A. I know that she always went about with a big dog, and she treated the prisoners very badly. All the prisoners were afraid of her.
- Q When you say she treated the prisoners very badly, what do you mean by that? A. I remember an instance when someone lit a fire in her quarters and Borman arrived, and she beat the girls, including myself, in the face.
- Q What did she beat you with? A. She beat us with her hands.
- Q The next one you recognised was No. 11; what can you tell the court about her? A. I do not know anything special about her. She was an arbeitsdienst and she took people to work.
- Q The next one you mentioned was No. 9, Irma Grese. What can you tell the court about her? A. Once when I was part of a Kommando and failed to please the Capo with my work, she went to Grese and Grese set her dog on me which savaged me, tore my clothes, and left marks on my body which I have to this day.
- Q What was your employment at that time? A. We were working outside the camp, pulling up nettles, some of which we ate.
- Q Who was the Capo? A. A person who is here now.
- Q Is she one of the persons you recognised to-day? A. Yes.
- Q Point her out again, will you? A. That woman. (Indicating No. 10, Ilse Lothe).
- Q After you had been bitten by this dog did you continue working? A. I had to go on working because otherwise there might have been a chance of having to go to hospital where there were frequent selections, and it might have ended up by my going to the gas chamber.
- Q How did this Capo behave generally to the women under her? A. She treated them badly. I remember one case when she beat a girl. She knocked her to the ground and then went on kicking her, and when eventually the girl managed to get to her block she must have been so bad since I did not see her the next day.
- Q Did you remember that girl's name? A. Wiedletz.
- Q What was her nationality, do you remember? A. She was a pole.

Q Were you ever beaten by her ? A. Yes, I have also been beaten by her.

Q Once or more than once ? A. More than once.

THE PRESIDENT: I cannot see any objection, once an identification has taken place, to the accused replacing their numbers. Has the defence any argument against that ?

MAJOR C RANFIELD: The only point is if a further identification might take place later on, either in examination-in-chief or cross-examination.

COL. BACKHOUSE: I really cannot understand it. If one goes to a football match where the players are numbered, if you have a programme it is a great help in picking people out; but when you have not got a programme - and none of these witnesses have got a programme - it makes not the slightest difference to their identity.

THE PRESIDENT: The danger is if one accused has been made to hold up his number and a witness remembers it and then goes out and says: "I identified so and so. His number is so and so".

CAPT. CORBALLY: Or if there were to be cross-examination on a question of identity it would obviously be most material indeed. I think it would be safer not to have the numbers replaced.

(At 13.20 hours the Court is adjourned)

(At 14.30 hours the Court reassembles)

The Accused are again brought before the Court.

HANKE ROZENWAYG is recalled on her former oath and the examination by COL. BACKHOUSE is continued as follows:

- Q You have told us about the women Lothe and Grese. Now the next person you recognised was No. 39. (Accused No. 39 stands up). What do you know about that woman? A About a fortnight before the British liberated the Camp one of the women went to get some water from the water cistern. She saw her and pushed her into the cistern where the woman drowned.
- Q What was this woman's position in the camp, No. 39? A I think she was a supervisor in the kitchen.
- Q The next person you mentioned was No. 46. (Accused No. 46 stands up). What do you know about her? A I did not see her myself, but a friend told me of an incident where a girl received a parcel with food and she reported it to the leader, and for this the girl was sent to a punishment commando.
- Q The last person was No. 48, Stania. (Accused No. 48 stands up). I think, as a matter of fact, I am wrong. I think she did deal with her at the very beginning. Am I right on that?

THE JUDGE ADVOCATE: Yes; she was present at the selection parades.

THE PRESIDENT: Yes. I am not quite clear as to this last answer.

THE JUDGE ADVOCATE: I do not understand the last one at all. Is it Helena Kopper?

COL. BACKHOUSE: It is a matter of no importance.

THE JUDGE ADVOCATE: My note does not seem to mean anything at all: "I did not see this myself, but a friend" ----

COL. BACKHOUSE: Her friend told her something she had seen. I do not think it comes to anything at all.

MAJOR WINWOOD: No questions.

Cross-examined by MAJOR MUNRO.

- Q You told us this morning something about a selection. How many of those selections did you attend yourself? A I went through some 30 selections myself.
- Q Was it normal for only one or for several doctors to be present on these parades? A Sometimes there was one doctor, sometimes two.
- Q While these parades were in progress, did you see the doctor or doctors in conversation with the other S.S. guards? A At every selection I did not see them conversing with members of the S.S., but afterwards we knew they compared notes together.
- Q Did the doctors have a piece of paper or a document of any kind in their hands? A They had no paper or document; they only said who had to go to the left and who had to go to the right.
- Q Did any of the other S.S. guards have a piece of paper or document? A Usually the Lageraltester had a piece of paper with numbers on it showing the people who were to go to the gas chamber.
- Q You have told us about one occasion where you were struck because a fire was lit; is that right? A Yes.

Q Was it forbidden to light fires in quarters ? A It was not in the room, it was in a wash room, but it is forbidden to light a fire there.

Q How many times were you struck yourself ?

THE JUDGE ADVOCATE: Do you mean on this occasion ?

MAJOR MUNRO: Yes. A I was hit once.

Cross-examined by MAJOR CRANFIELD.

Q How well do you understand German ? A Not very well.

Q On the occasion when you were bitten by a dog, what did Ilse Lothe say to Grese ? Answer the question in German.

MAJOR MURTON NEALE: Can she speak German ?

MAJOR CRANFIELD: She said she heard Ilse Lothe say something to Grese in German. I want to know what it is, and I want it repeated in German.

THE INTERPRETER: Her answer at the moment is: "She said nothing".

MAJOR CRANFIELD: I am going to read a passage from the statement on oath you made to a British officer at Belsen: "In July 1943, whilst at Auschwitz, I was employed digging ditches outside the camp. Whilst so employed I laid down my shovel for a rest and Lothe, who was in charge of my working party, saw me. I saw her go to the woman SS guard and I heard her ask the SS woman to set her dog on me. I recognise this SS woman as No. 2 on photograph Z/4/2" -- that is Grese, No. 9. Was not that story invented by you in June of this year at Belsen and is it not completely untrue ?
A It is perfectly true. The only difference might be regarding what I was doing at the time, because I attended various Kommandos and I am now not in a position to say whether it was while pulling nettles or while I was digging.

Q Do you say that you knew the accused Grese at Auschwitz well ? A I knew her very well all the time.

Q Did you know her name ? A I knew her name was Grese, because everyone called out when she was coming that Grese was coming.

Q I am going to read the next sentence from your sworn affidavit: "I did not know her name, but have since been told that it is Irma Grese". That is contained in an affidavit dated 28th June, 1945. Are you not a completely untruthful witness ? A I insist that I am speaking the truth.

Q I suggest to you that this whole story of Ilse Lothe and Irma Grese setting a dog on to you at a working party is a fabrication and quite untrue ?
A It is true. I am able to show scars received on that occasion.

Q Do you remember the occasion when you made a statement on oath to a British officer at Belsen, last June ? A I remember.

Q Will you explain to the Court how you came to make the statement ?
A Ten of us girls went from Camp No. 4 to Camp No. 2 ----

MAJOR CRANFIELD: Does she understand what I am asking ? I want to know how she came to make the statement on oath to a British officer in June, 1945.

THE PRESIDENT: Is that the beginning of her explanation ?

THE INTERPRETER: That is the beginning of her explanation.

THE PRESIDENT: All right; carry on.

(The Interpreter put the question again to the witness).

THE INTERPRETER: She is right off the track. I am trying to bring her back but with little success.

THE PRESIDENT: That last remark had nothing to do with the question?

THE INTERPRETER: I do not think it has.

MAJOR CRANFIELD: Perhaps I can explain to the Interpreter?

THE PRESIDENT: Yes.

MAJOR CRANFIELD (To the Interpreter): What I want to know is how it came about that she made a statement, that is to say, was she asked to make a statement; did she go in response to a broadcast appeal for people to make statements, or how did it come about that she went to the War Crimes Office at Belsen and as a result we have this statement?

THE INTERPRETER: The first part of her answer still stands, and from there she goes on to say that they were outside when they saw a couple from Auschwitz and they started shouting at her. An Englishman who heard us asked us what it was all about. By this time the couple were some distance away. The Englishman caught hold of her and brought her to us, and three of us were asked to say what we knew about Auschwitz.

MAJOR CRANFIELD (To the witness): Were you asked to say whether you knew of any atrocity, any crime, committed by this Kapo Lothe? A I was asked.

Q Were other haeftlinge at Belsen at that time being asked whether they knew of any crimes committed by the former camp staff and were they making statements about it? A The two other people with me were told the same thing. More I do not know.

Q Have you ever heard of any haeftlinge being asked at that time to make a statement in defence of a Kapo? A I have never heard of such an instance.

Q If any haeftlinge did make such a statement, she must have been a volunteer, must she not? A The person must have volunteered.

Q Were the two friends who were with you at this time Ewa Gryka and Sonia Watinik? A They were called Ewa Gryka and Sonia Watinik.

Q Did they also make statements on oath? A Yes.

MAJOR CRANFIELD: They are at page 38 and page 169 of the summary. Page 38 is Ewa Gryka and page 169 Sonia Watinik. (To the witness): How do you account for the fact that in all three affidavits, that is, yours, Ewa Gryka's and Sonia Watinik's, the phrase: "I was digging" occurs, but in Ewa Gryka's affidavit a different incident is described?

THE JUDGE ADVOCATE: You cannot ask her that. It will take me quite a while to study the affidavit before I can even get the material to consider the question.

MAJOR CRANFIELD: If you please. (To the witness): Do you agree that if you and your friends Ewa Gryka and Sonia Watinik are truthful witnesses, your statements should agree?

MAJOR MURTON NEALE: How can she answer that question unless she has seen the other two affidavits?

THE INTERPRETER: She has just said she does not know what is in the other affidavits.

THE PRESIDENT: I do not think the affidavits are being referred to.

THE JUDGE ADVOCATE: I think, Major Cranfield, if you will concentrate on the witness before you and get her story, when the affidavits come in presumably there will not be anything but the paper to cross-examine, which you cannot do. You can then make your comments to the Court that the affidavits differ from the sworn testimony of this girl, and then invite the Court to say she is an unreliable witness.

MAJOR CRANFIELD: Yes, if you please. This is the only opportunity I shall have of cross-examining with regard to this incident which is included in three affidavits.

THE PRESIDENT: But she is not to know it is included in three affidavits.

MAJOR CRANFIELD: With respect, she has told us that what occurred was this. She was in the camp with these two other girls and they started to shout - she has not told us what she shouted - at the accused Lothe. She was then seen by a British officer or soldier and asked to come to the War Crimes Office, and the three of them were asked to make statements about what they knew about the accused Lothe. (To the witness): I suggest to you that the story you told the British officer at Belsen about Lothe is completely untrue?

A I do not remember every incident, but it was so.

Q Was not Ilse Lothe one of the last German kapos left behind at Belsen?

A I do not know her from there; I only know her from Auschwitz.

Q Were you not found by a British soldier with your friends Ewa Gryka, Sonia Watinik and others shouting abuse at her? A We were telling her what we thought about her for her cheek in being still present after she had treated us so badly in Auschwitz.

Q When you were asked by this British soldier whether you could accuse her of anything, did you not invent the story in your sworn statement? A I did not invent it; it was so.

Q Do you know Regina Bialik, a Polish Jewess, who was for two years at Auschwitz and then went to Belsen? A The name means nothing to me. I might recognise her if I saw her.

Q I will read to you what she said on oath about Ilse Lothe: "I knew the accused Ilse Lothe in Belsen" ----

COL. BACKHOUSE: I have not got it.

THE JUDGE ADVOCATE: Neither have I.

MAJOR CRANFIELD: It was handed to us by the Prosecution. I have another one I propose to read in addition, which is Exhibit 244, the Affidavit of Sophia Litwinska.

(The accused No. 46, Helena Kopper breaks down and is led out of Court).

THE PRESIDENT: The Court will be closed for ten minutes.

(At 1535 hours the Court is closed).

(At 1545 hours the Court re-opens.)

(All the accused are again brought before the Court).

MAJOR CRANFIELD: I was just going to read the affidavit of Regina Bialik to the witness. The interpreter has a copy of it. It is paragraph 2. "I know the accused Ilse Lothe in Belson. I met her about two months before the camp was liberated. She was a kapo in charge of the agricultural working party. I myself was working in kitchen No. 1 in the men's camp. I saw Lothe every day and I never saw her beat anybody". What do you say to that?
A I personally did not see her beat anyone but there were hundreds who did, and my friends certainly did.

THE JUDGE ADVOCATE: Did this witness say that Ilse Lothe had not beaten her herself?

MAJOR CRANFIELD: I understand her to say now: "I have never seen myself Ilse Lothe beat anybody; hundreds of others have, my friends have told me".

THE PRESIDENT: What does she say now?

THE INTERPRETER: I was not quite sure whether she said: "I never saw her do it" or whether she meant that this person Bialik may not have seen her do it. I wanted to get that point straight.

THE PRESIDENT: I understood from your translation: "I never saw it". What do you think she says now. I wonder whether we could have the other Polish interpreter.

THE JUDGE ADVOCATE: May I say something? I have taken on my note what I understood to be specific instances where she had herself seen Ilse Lothe beating somebody. I now understand from the last answer that she never did.

COL. BACKHOUSE: The interpreter is trying to clear that up now. I think it would be a good idea if the other Polish interpreter would ask her what she really said.

THE PRESIDENT: I think the easiest thing would be to have the question put again. She has heard what has been read out and the question now is: What do you say to that? A. I do not know Regina Bialik, the person who made the statement, but I do know that I myself and hundreds of other girls saw the accused beating people in Auschwitz.

MAJOR CRANFIELD: Do you know Sophia Litwinska, a Polish Jewess who was in Auschwitz from 1941 till 1944 and arrived at Belson last March?

COL. BACKHOUSE: She is one of the witnesses who has already given evidence.

THE JUDGE ADVOCATE: Yes, that is what we were thinking. Is it agreed that she has given evidence?

MAJOR CRANFIELD: That was a surprise to me, I must say. I find it very difficult.

THE PRESIDENT: She gave evidence on the 24th actually.

COL. BACKHOUSE: She was the first witness after Ada Bimko.

THE PRESIDENT: Between Ada Bimko and Cecilia Frommer?

COL. BACKHOUSE: Yes, that is right.

THE JUDGE ADVOCATE: It is quite clear that Sophia Litwinska is the same one who came from Lublin aged 28 years and gave evidence in person and I propose to advise the Court that if you want to know what her views are of this particular witness the proper thing to do is for her to be re-called to be questioned in person. It is no use using an affidavit when the witness is present.

MAJOR CRANFIELD: Is it established they are the same person. I see this one comes from Liestrassse (?) and the other one is Bahnhofstrasse 13A, Lublin.

THE JUDGE ADVOCATE: Her husband was a lieutenant in the Polish Army.

MAJOR CRANFIELD: Am I entitled to cross-examine this witness on this affidavit. I think I am.

THE JUDGE ADVOCATE: He can cross-examine the witness, for what it is worth, on an affidavit but I should have thought the proper thing was to re-call Sophia Litwinska.

MAJOR CRANFIELD: I can apply afterwards to re-call Sophia Litwinska, if it is the same one?

THE JUDGE ADVOCATE: If it does not agree you can put the affidavit to Litwinska.

MAJOR CRANFIELD: Very well. (To the witness) I suggest to you that the story you have told in Court and in your statement about Ilse Lothe is completely untrue. A. I say that I would not swear upon my statement if I would not be sure what I say. Perhaps I may be mistaken in some details or in some words but the story itself in its essence is true.

CAPT. ROBERTS: No questions.

CAPT. BROWN: No questions.

CAPT. FIELDEN: No questions.

CAPT. CORBALLY: No questions.

CAPT. NEAVE: No questions.

Cross-examined by CAPT. PHILLIPS.

Q Would the accused No. 39 (Irene Haschko) stand up? (The accused does so) Have a good look at that accused. Do you remember what you told us about that woman this afternoon? A. Yes, I do.

Q Are you quite certain that that is the woman who did what you say and you have not confused her with somebody else? A. No, this is the same woman; she looked at that time much better than now but still she is the woman.

Q Did you see her often at Belson? A. Yes, I saw her frequently.

Q Where did she work? A. I do not know where she worked but I saw her in the vicinity of the cookhouse.

Q Which cookhouse? A. In the cookhouse No. 1 in Belson.

Q Whereabouts was that in the camp? A. It was in camp No. 2; we have to pass through camp No. 1 in order to reach camp No. 2.

Q When you say Camp No. 2 can you tell me any more exactly what you mean by that? A. There are two camps there, one for the people who were fit for work and the other one for ill people. Camp No. 2 is the one which was used by the people who were ill.

Q What was your work in Belson? A. I worked for the block altoster; I swept the floor and I made order for her.

- Q Did you see this woman who has just stood up every day? A. Not every day. I saw her only on these occasions when I left my block; when I was in my block I could not see her.
- Q How often would that be - once a week or more or less? A. I could not say that.
- Q Can you give us any idea at all how often you saw her? A. I suppose twice a week sometimes; more frequently I do not remember her.
- Q Is the cookhouse you speak of outside the compound where you live? A. It was inside the compound.
- Q Where did this incident you speak of take place? A. It was not far from the kitchen, in the distance of about two blocks from the kitchen, and it was in the place where the prisoners used to fetch water for the use of the cookhouse.
- Q Was it one of these concrete ponds in the grounds? A. Yes.
- Q Was it surrounded by wire? A. No.
- Q Where were you when the incident took place? A. I was about two metres from the place where the incident took place.
- Q Were there any other people there? A. Yes, there were.
- Q Many? A. Not many.
- Q What exactly happened? A. At that time there was a great shortage of water in the camp and one woman wanted to fetch some water from this place; the accused noticed it, she approached her and she threw her into the concrete pond.
- Q What did you do about it? A. I intended to fetch food for myself but I changed my mind then and ran away quickly to my block. I was too frightened to continue my work and I did not know what was going on; I almost fainted.
- Q I suggest to you that you have made a mistake and that it was not this accused you saw at all? A. No, it is the same woman, I am quite sure that it is the same woman.
- Q Do you know the woman who was thrown into the water? A. No, I did not know her.
- Q Had you ever seen her before? A. No, I did not.
- Q Did you see her in the water? A. Yes, I did.
- Q And then you ran away? A. Yes.
- Q What happened after that? A. I was told later on that she was taken away dead from the water.
- Q Who told you? A. I asked people coming back from the place what happened, whether she was rescued or not, and they told me that she was taken away dead.
- Q Do you know -- if you do not say so -- how deep the water was? A. I do not know how deep it was, but it was fairly deep.
- Q So that all you can tell us of your own knowledge you saw yourself is that the accused pushed somebody into the pond? A. The accused did not push her into the water; she throw her into the water. She lifted her and threw her into the water.

Q When you made your statement after the liberation to British officers did you tell them about this? A. No, I did not. I recognised her from a picture.

Q Why did you not tell them? A. Because I did not see her at that time amongst the photographs presented to me.

Q Did you ever see a photograph of her? A. For the first time I saw her photograph here in Luneburg.

Q Where and when did you see that? A. In the Court last week.

Q Who showed it to you? A. It was an officer; he showed us a great many photographs and asked us whether we could recognise some of them.

Q And that was the first time you had seen a photograph of this accused, was it? A. Yes, it was.

LT. BOYD: No questions.

CAPT. MUNRO: No questions.

LT. JEDRZEJOWICZ: No questions.

COL. BACKHOUSE: No re-examination.

THE JUDGE ADVOCATE: I want to just ask you a question or two about the incident where you say your clothing was torn and you were bitten by the dog. In your first statement you are alleged to have said: "I saw her go to the woman S.S. guard and I heard her ask the S.S. woman to set her dog on me". That means, I understand, that you saw the accused Ilse Lothe go to Grese and ask her to set her dog on you? A. I do not know what she said to the accused Grese.

Q I understood when you were cross-examined by one of the defending officers you told the Court that Ilse Lothe said nothing to Grese? A. She said something to Grese but I do not know what she said.

Q When you were asked by the prosecutor about the same subject you said: "Once when I was part of a kommando and I failed to please the kapo with my work, she - Ilse Lothe - complained to Grese who set her dog on me"? A. Yes, I did.

Q Can you tell the Court which of these three different conflicting stories is true? A. Everything I said is true.

THE INTERPRETER: May I try to make her understand once more?

THE JUDGE ADVOCATE: Shall I put it again?

THE PRESIDENT: Yes.

THE JUDGE ADVOCATE: Just listen now and do not answer anything to start with. When you were asked by the prosecutor here to tell the Court about the dog incident you said: "Once when I was a part of a kommando and I failed to please the Kapo with my work she complained to Grese who set her dog on me". That is that when Ilse Lothe was not satisfied with your work she spoke to Grese and complained and the dog was set upon you. When you were cross-examined by the second officer here and asked what Ilse Lothe said to Grese you said that Lothe said nothing at all.

COL. BACKHOUSE: We might let her answer that.

THE JUDGE ADVOCATE: Then she will never understand the question. I think it is much better to put this to her and let her answer it afterwards. In your

first statement not made in Court but made to the British officer you said: "I saw her go to the woman S.S. guard"-- that is Ilse Lothe went to Gresco -- "and I heard her ask the S.S. woman to set her dog on me". Would you tell the Court which of these three conflicting versions is the right one?

COL. BACKHOUSE: I must object to that question being put in that form because I cannot agree that those three statements are necessarily conflicting. The first statement is, as I understand it, that she saw Lothe go to Gresco and complain about her work. The second one is -----

THE JUDGE ADVOCATE: No, no. With great respect the first one is quite clear: "I saw her go to the woman S.S. guard" that was Gresco, and the point I am making is: "And I heard her ask the S.S. woman to set her dog on me".

COL. BACKHOUSE: The first one is: "I saw her go to ^{the} guard and complain. The second statement is: "I did not hear her say anything". The third one is: "She asked her to set the dog on me". I will agree that if she said: "I heard her say ---" that is conflicting, but I do not agree that it can be said that because she complained about her work and then asked her to set the dog on her, that these are necessarily conflicting at all. I do suggest that the three statements are not necessarily conflicting and should not be put in that way.

THE JUDGE ADVOCATE: I have listened to your argument and it has not altered my opinion in the least. Perhaps it does not matter; it is a matter for the Court to say whether they would like that question put in that form or not.

COL. BACKHOUSE: I do object to it being put in the form of a conflicting statement because it is merely confusing the witness.

(The Court confer.)

THE JUDGE ADVOCATE: (To the interpreter): Will you put the question in the form: which of these statements is correct? A. I know only that the accused Lothe went to the accused Gresco and talked to her for a short time and after that Gresco set the dog on me. What Lothe said to Gresco I do not know.

THE PRESIDENT: Has any defending officer any question on that?

MAJOR CRANFIELD: May I ask a question?

THE PRESIDENT: Yes.

MAJOR CRANFIELD: (To the witness): Are you sure that you are not mistaken over the identity of the S.S. woman who had a dog on this occasion?
A. I am sure.

(The witness withdraws.)

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(The Court confer.)

THE JUDGE ADVOCATE: (To the interpreter): Will you put the question in the form: which of those statements is correct? A. I know only that the accused Lothe went to the accused Grese and talked to her for a short time and after that Grese set the dog on me. What Lothe said to Grese I do not know.

THE PRESIDENT: Has any defending officer any question on that?

MAJOR CRANFIELD: May I ask a question?

THE PRESIDENT: Yes.

MAJOR CRANFIELD: (To the witness): Are you sure that you are not mistaken over the identity of the S.S. woman who had a dog on this occasion?
A I am sure.

(The witness withdraws.)

COL. BACKHOUSE: Sophia Litwinski is here and Major Cranfield would like her recalled. I have satisfied myself it is the same woman.

SOPHIA LITWINSKA is recalled and is further cross-examined by MAJOR CRANFIELD as follows:

THE JUDGE ADVOCATE: You realise that you are on your former oath and just as much required to tell the truth as before. A. Yes.

MAJOR CRANFIELD: Do you remember making a second affidavit to a British officer at Belsen? A. Yes, I remember.

MAJOR CRANFIELD: Stand up, No.10. (Ilse Lothe) It was an affidavit about that woman, Ilse Lothe? A. Yes.

Q. I will read out paragraphs 2, 3 and 4. In that affidavit did you say: "I know Ilse Lothe from Auschwitz. She was there all the time I was there myself. That was between May 1941 and November 1944. When I first met her she was an ordinary prisoner in the strafkommando, but later she was made a kapo for outside working parties. I saw her again in a kitchen in Belsen. This time she was a kapo in an agricultural working party. I never saw her beat anybody and she never interfered with the girls who were doing their duty. I am sure that there are many others who would speak favourably of her, but many of the girls who would testify have left Belsen." Is that true?
A. Yes.

Further Re-examined by COL. BACKHOUSE.

Q. Were you ever in one of the outside working parties of which she was kapo? A. I had never been in a working party where Ilse Lothe was, but I know she came into our kitchen and tried to organise things, or food, as she said, for the girls who were working with her.

(The witness withdraws)

LIDIA SUNSCHEIN is called in and, having been duly sworn, is examined by COL. BACKHOUSE as follows:

THE JUDGE ADVOCATE: The witness will testify in Polish, and she has taken an oath on the Jewish Bible, which she says is binding on her conscience.

COL. BACKHOUSE: What is your full name? A. Sunschein, Lidia.

Q. Where did you live before the war? A. In Lodz, Litzmannstadt.

Q. Is that in Poland? A. Yes.

Q. What is your nationality? A. Polish.

Q. How old are you? A. 23.

Q. When were you first arrested? A. On the 12th December 1939.

Q. On what grounds were you arrested? A. For the first time I was arrested for political reasons. Then I was set free and arrested again.

Q. When were you arrested on the second occasion? A. At the beginning of March 1943; I do not remember the exact date.

Q. Where were you taken to on this second occasion? A. To Auschwitz.

Q. Why were you arrested on this second occasion? A. Because I am a Jewess.

Q. Were any other members of your family arrested at the same time? A. No, only myself.

Q. Were any other members of your family in Auschwitz at any time?
A. Yes, my whole family; they were in Auschwitz for a few hours and then they were sent to the gas chamber.

Q. Of whom did your family consist? A. My mother and two brothers.

Q. After you had been at Auschwitz for some time were you eventually transferred to Belsen? A. Yes.

Q. When did you go to Belsen? A. In January 1945.

Q. Would you now come down here and look at the persons in the dock and see if there are any whom you recognise. Take your time about it and think before you say anything, and then point to anyone you recognise and just say who it is.
A. The first one is Kramer (No.1). The third one is Weingartner (No.3). The fifth one is Hoessler (No.5). The sixth one is Borman (No.6). I recognise the next woman. I do not remember her name exactly, but I think it is something like Weinniger (No.7). The next one is Ellens (No.8). The next one Grese (No.9). I know the next one as Hilde (No.11). I know the one before her, but I do not remember her name (No.10).

Q. Where did you see her? A. I saw her in Auschwitz and in Belsen.
I know the last one. I do not know his name, but I know he worked in the cookhouse. (No.16).

THE PRESIDENT: Where did he work? A. In Belsen in cookhouse No.3.
(The second row of accused stand up) I think I know the fourth one, but I am not sure.

COL. BACKHOUSE: If she is not sure I will not bother. A. I know the woman second from last, but I do not know her name (No.34). (The third row of accused stand up) I know the fourth one by sight, but I do not know her name (No.39). The second woman here, I do not know her name, but she worked in the cookhouse, in the same cookhouse as myself. (No.41) The fifth one, she worked in the same cookhouse; I am not sure but I think her name is Empte (No.44). The last two women I know from the camp (No.46 and No.48) One is Kopper and the other is Stania.

Q. Which is Kopper and which is Stania? A. 48 is Stania and 46 is Kopper.

THE PRESIDENT: I will just check those. No.1 Kramer, No.3 Weingartner, No.5 Hoessler, No.6 Borman, No.7 she knows by sight with a name like Weinniger. No.8 she thinks was called Ellens. No.9 Grese. No.10 she knows by sight, not by name. No.11 Hilde. No.16 she knows by sight in the Belsen cookhouse. No.34 by sight. No.39 by sight. No.41 by sight in the cookhouse with her. No.44 by sight in the cookhouse with her with a name like Empte. No.46 is Kopper and No.48 is Stania.

(At 1710 hours the court is closed until 0930 hours on Friday 28th September 1945)

- Q. Were any other members of your family in Auschwitz at any time?
 A. Yes, my whole family; they were in Auschwitz for a few hours and then they were sent to the gas chamber.
- Q. Of whom did your family consist? A. My mother and two brothers.
- Q. After you had been at Auschwitz for some time were you eventually transferred to Belsen? A. Yes.
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